

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

<b>RORY M. WALSH,</b>	:	<b>CIVIL ACTION NO. 1:05-CV-0818</b>
	:	
<b>Plaintiff</b>	:	<b>(Judge Conner)</b>
	:	
<b>v.</b>	:	
	:	
<b>THE UNITED STATES OF AMERICA, et al.,</b>	:	
	:	
<b>Defendants</b>	:	

**ORDER**

AND NOW, this 6th day of December, 2005, upon consideration of plaintiff's motion (Doc. 40), requesting that the court compel defendants to respond to certain requests made under the Freedom of Information Act ("FOIA"), see 5 U.S.C. § 552, arguing that the FOIA requests are relevant and essential to plaintiff's brief in opposition to a pending motion to dismiss (Doc. 32), and requesting that the court grant plaintiff an enlargement of time to file a brief in opposition, see FED. R. CIV. P. 6(b) ("[T]he court for cause shown may . . . order the period enlarged if request therefor is made before the expiration of the period . . . ."), and it appearing that the FOIA requests are not pertinent to the motion to dismiss, see Langford v. City of Atlantic City, 235 F.3d 845, 847 (3d Cir. 2000) (providing that, in ruling on a motion to dismiss, the court "must determine whether, under any reasonable reading of the pleadings, the plaintiff[] may be entitled to relief, and [the court] must accept as true the factual allegations in the complaint and all reasonable inferences that can be drawn therefrom"), and that plaintiff has filed his brief in opposition (Doc. 42),

see FED. R. CIV. P. 6(b), it is hereby ORDERED that the motion (Doc. 40) is DENIED without prejudice.

/s/ Christopher C. Conner  
CHRISTOPHER C. CONNER  
United States District Judge